

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff / Respondent,

v.

No. 3:21-cr-00264-1

BRIAN KELSEY,

Defendant / Movant.

**BRIAN KELSEY’S MOTION FOR LEAVE TO FILE
EXCESS PAGES**

Defendant/Movant Brian Kelsey moves to expand any applicable page limits on his Reply to the government’s Response in Opposition (Dkt. No. 207, “Response”) to his Emergency Motion for Release Pending Decision on his Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 (Dkt. No. 197) to 10 pages. As grounds for the motion, Mr. Kelsey states as follows:

1. Middle District of Tennessee Local Rule 7.01(a)(4) generally states that reply memoranda shall not exceed 5 pages without leave of the Court.
2. The application of Local Rule 7.01, which references various types of motions filed under the Federal Rules of Civil Procedure, to motions and memoranda filed in criminal cases is unclear.
3. Mr. Kelsey acknowledges that “[r]eply briefs of more than 5 pages are discouraged,” in this Court, but he respectfully requests leave to exceed any applicable or preferred page limitation given the unusual and exceptional circumstances present in this case.

4. Here, the government's Response, like Mr. Kelsey's Motion, consisted of 25 pages. The Response advanced numerous arguments and reasons why the government believes Mr. Kelsey should not be permitted to remain on release while this Court is considering whether to vacate his conviction, each of which require a complete explanation and legal support.

WHEREFORE, Mr. Kelsey requests that the Court permit him to exceed any applicable page limitations under the Local Rules and to file a Reply Memorandum consisting of up to 10 pages.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served through the CM/ECF system, which will send notice of electronic filing on this 31st day of January, 2025.

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